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THE POLITICAL RIGHTS OF ENGLISH JEWS.

II.

THE history of the admission of the Jews to Parliament is so well known and has received so much attention from the writers on constitutional history and constitutional law that it will be sufficient to indicate here its main outlines. Immediately after the passage of the Catholic Relief Act, 1829, efforts were made in Parliament for the complete emancipation of the Jews from all civil and political disabilities. The leader of the movement was Mr. Robert Grant, who, on April 5, 1830, introduced into the House of Commons a Bill "to repeal the civil disabilities affecting British born subjects professing the Jewish religion." Leave to bring in the Bill was granted by a majority of 18, and when it came up for second reading it was thrown out by a majority of 63¹. This was before the Reform Act of 1832. Mr. Grant reintroduced his measure in the reformed House of Commons and met with more success. Several petitions in favour of Jewish emancipation had been presented to the Houses of Parliament², and on April 17, 1833, Mr. Grant moved that the House of Commons should resolve itself into a committee of the whole House to consider the disabilities affecting Jewish subjects; despite a protest from Sir Robert Inglis the motion was adopted without a division. In committee Mr. Grant moved "that it is

¹ See Hansard, *Parl. Deb.*, 2nd series, vol. 23, pp. 1287-1336, and *ibid.*, vol. 24, pp. 784-814; the debates are interesting, as almost all the arguments for and against the Jews were used by the supporters or opponents of the Bill.

² Hansard, *Parl. Deb.*, 3rd series, vol. 15, pp. 310, 559; *ibid.*, vol. 16, pp. 10, 725, 775, 973.

expedient to remove all civil disabilities at present existing affecting His Majesty's subjects of the Jewish religion, with the like exceptions as are provided with reference to His Majesty's subjects professing the Roman Catholic religion." When after debate the question was put, the "Ayes" resounded through the House, but the "Noes" were few. The minority did not challenge a division, and the resolution was agreed to¹. Thus the Jews' Civil Disabilities Bill was again introduced; the second reading was carried by 159 votes to 52², and the third reading by 189 to 52³, but the House of Lords refused the Bill a second reading by 104 votes to 54⁴. Nothing daunted, on April 24 of the following year Mr. Grant again brought forward and carried, by 53 votes to 9, a motion to go into committee to consider the subject⁵, and the revived Bill was accorded a second reading in the Lower House by 123 votes to 32, and also a third reading after a motion for adjournment had been defeated by 50 votes to 14⁶. The dwindling numbers of the advocates of the Bill in the House of Commons and the lukewarm support which it received from the Government in power encouraged the House of Lords to again reject it, and by an increased majority, only 38 voting for and 130 against the second reading⁷. Late in the session of 1836 the Bill was again revived under the auspices of Mr. Spring Rice, the Chancellor of the Exchequer; but the second reading was not moved until August 3, when the House was so thin that it was in imminent danger of being counted out. The second reading was agreed to by 39 votes to 17. Having passed through the remaining stages, the Bill was sent up to the Lords and was read a first

¹ Hansard, *Parl. Deb.*, 3rd series, vol. 17, pp. 205-44.

² *Ibid.*, vol. 18, pp. 47-59.

³ *Ibid.*, vol. 19, pp. 1075-82. For the committee stage see vol. 18, p. 1251.

⁴ *Ibid.*, vol. 20, pp. 221-55.

⁵ *Ibid.*, vol. 22, p. 1372.

⁶ For the second reading see Hansard, vol. 23, p. 1158, and *ibid.*, p. 1349, for the committee stage, and vol. 24, p. 382, for the third reading.

⁷ *Ibid.*, vol. 24, pp. 720-31.

time on August 15, but on account both of the lateness of the session and the poor support it was likely to receive, the second reading was never moved, and the prorogation took place on the 20th of that month¹.

A general and comprehensive measure was not again introduced, for the advocates of equal rights for the Jews recognized that their cause had not sufficient popular support to overcome the resistance of prejudiced and persistent opponents who could usually count upon a majority of votes in the Upper House. They therefore wisely confined their efforts to obtain gradually and by small instalments the end they had in view—a method so frequently adopted in the making of the English constitution and so peculiarly dear to the English people. The result was the different enactments, already enumerated, altering the oath and other methods of qualification, so as to open municipal and other offices to members of the Jewish faith, but none of these statutes had any bearing upon a Jew's right to sit in Parliament. At length the question became one of practical politics by the return of Baron Lionel de Rothschild as one of the Members for the City of London at the General Election of 1847.

At that time before a member could take his seat or vote, he was required to take three several oaths: the oath of allegiance, the oath of supremacy, and the oath of abjuration. The tenour of these oaths has been already explained, and, as has been seen, though a Jew might conscientiously take the first two, he could not with any sense of decency or propriety pronounce the words "upon the true faith of a Christian," which concluded the oath of abjuration. Moreover, it was customary to administer all these oaths upon the New Testament, which by itself would have debarred a conscientious Jew from taking any of them. This form of administration was not, however, ordained by any statute then in force and might upon occasion be waived or altered by resolu-

¹ Hansard, vol. 35, pp. 865-75, 1209, 1216, 1318.

tion of the House in favour of any particular member or class of members, though such an indulgence was a matter of favour and not of right¹. The House, however, had no power to waive the oaths themselves or to alter their form, for the statute (1 Geo. I, st. 2, c. 13, ss. 16, 17) expressly enacted that no one should vote in the House of Commons or sit there during any debate until he had taken the oath of abjuration, and imposed a penalty of £500 as well as several important disabilities upon any one who should presume to vote without having taken the said oath². These provisions being laid down by statute could not be removed or dispensed with by a single branch of the legislature, but only by an overriding or repealing Act of Parliament.

Accordingly in December, 1847, the Prime Minister, Lord John Russell, who happened to be one of Baron de Rothschild's colleagues in the representation of the City of London, took precisely the same course as Mr. Grant had taken in 1833, and the House of Commons, having resolved itself into committee, moved a resolution in the same terms as that adopted fourteen years earlier. The resolution was agreed to by 257 votes to 186, the increased numbers in the division showing the increased interest aroused³. The Jewish Disabilities Bill, which placed Jews

¹ In 1833, Mr. Joseph Pease, the Quaker member for South Durham, had been allowed to make a solemn affirmation instead of taking the oath; this was by virtue of the Statute 22 Geo. II, c. 46, s. 36, and earlier statutes enabling Quakers to substitute an affirmation for an oath in all cases where an oath was required, thus including promissory as well as juridical oaths (see Hansard's *Parl. Deb.*, 3rd series, vol. 15, pp. 387, 476, 639. Mr. Pease had even been allowed to omit the words "on the true faith of a Christian," to which he objected as being unnecessary in the same way as if they had been "on the true faith of a gentleman" (see Hansard, vol. 113, p. 508), but then the Acts prescribed the form of the oath, but not that of the affirmation which might be substituted.

² But there was no provision here or elsewhere for vacating the seat of a member who omitted to take the oath of abjuration, if he did not attempt to exercise the power of voting. See May's *Parl. Practice*, p. 158.

³ Hansard, *Parl. Deb.*, 3rd series, vol. 95, pp. 1234-1331, 1356-98.

on the same footing as Roman Catholics, was subsequently brought in and carried through the House of Commons, 277 members voting for and 204 against the second reading, but thrown out in the House of Lords by a majority of 35; 125 lords voting for and 163 against the second reading¹. In the following session Lord John Russell brought forward another measure with a similar object, but confined its scope to an alteration of the parliamentary oath in favour of Jews. The Bill which was known as the Parliamentary Oaths Bill was successfully steered through the House of Commons, being carried on the second reading by 275 votes to 185, and on the third by 272 to 206, but it was again wrecked in the Lords, who refused it a second reading by 95 to 70².

After the failure of this measure Baron de Rothschild vacated his seat by applying for and receiving the stewardship of the Chiltern Hundreds. He offered himself for re-election and was returned by a large majority. The Government, however, brought in no Bill to enable him to take his seat, and on July 26, 1850, he came to the table of the House of Commons, and requested to be sworn upon the Old Testament, whereupon the Speaker directed him to withdraw. After a long debate, including an adjournment and three several divisions, this request was conceded. The next day the baron again came up to be sworn; the oaths of allegiance and supremacy were duly administered on the Old Testament, but when the oath of abjuration was tendered the newly elected member refused to repeat after the clerk the words "upon the true faith of a Christian," and upon

¹ Hansard, vol. 95, p. 1421; *ibid.*, vol. 96, pp. 220-83, 460-540; *ibid.*, vol. 97, pp. 1213-50; and *ibid.*, vol. 98, pp. 1329-1409. Of the debate in the Lords the Earl of Malmesbury in his *Memoirs* writes: "The Jew Bill was thrown out in the Lords by a majority of 35. Mr. Lionel de Rothschild and his brother Anthony were present. I never saw the House so full. The Rothschilds stood like elder sons of Peers on the steps of the throne, and would not even retire when the division took place" (*Memoirs of an Ex-Minister*, vol. I, p. 230).

² Hansard, vol. 102, pp. 1188-1202; *ibid.*, vol. 104, pp. 1395-1449; *ibid.*, vol. 105, pp. 431-66, 670-83, 1373-1434; vol. 106, pp. 871-922.

their being read said, "I omit these words as not binding upon my conscience," and concluded with the words, "So help me God." He was then directed to withdraw. A motion was subsequently carried by 166 votes to 92 "that the Baron Lionel Nathan de Rothschild is not entitled to vote in this House or to sit in this House during any debate, until he should take the Oath of Abjuration in the form appointed by law." It was further formally resolved by 142 votes to 106 to take the form of the oath of abjuration into consideration during the next session with a view to the relief of persons professing the Jewish religion¹.

The following Session, in pursuance of this resolution, the Oath of Abjuration (Jew) Bill was introduced by the Government. It provided that whenever any of her Majesty's subjects professing the Jewish religion shall present himself to take the oath of abjuration the words "upon the true faith of a Christian" shall be omitted from the oath, and passed the House of Commons, though the majority on the second reading was only 25, but was rejected in the Lords by 144 votes to 108².

In the meantime Mr. David Salomons had at a bye-election been returned to the House of Commons as member for the borough of Greenwich, and on July 18, 1851, the day after the rejection of the Government's bill by the Upper House, attended at the table for the purpose of being sworn. Upon the New Testament being tendered to him by the clerk, he requested to be sworn on the Old Testament, which being reported to Mr. Speaker, Mr. Speaker asked him why he desired to be sworn upon the Old Testament; he answered because he considered it

¹ *Com. Jour.*, vol. CV, pp. 584, 590, 612; Hansard, vol. 113, pp. 298-333, 396-453, 486-533, 769-817.

² Hansard, vol. 115, pp. 1006-19, 1030; *ibid.*, vol. 116, pp. 367-412; *ibid.*, vol. 117, pp. 1096-1102; and *ibid.*, vol. 118, pp. 142-7, 188, 859-909. "Jew Bill passed second reading House of Commons by 25; 202 to 177. This will encourage the Peers" (Lord Malmesbury's *Memoirs*, vol. I, p. 283).

binding on his conscience; Mr. Speaker then desired the clerk to swear him upon the Old Testament: there being no debate and no division such as had taken place in the case of Baron de Rothschild a year previously. The clerk then handed him the Old Testament, and tendered the oaths. The oaths of allegiance and supremacy having been duly taken, when the oath of abjuration was administered Mr. Salomons read as far as the words "upon the true faith of a Christian," which he omitted, and concluded with the words "So help me God." He then read the following declaration from a paper which he had in his hand, and then pushed over to the clerk at the table: "I have now taken the oaths in the form and with the ceremonies that I declare to be binding on my conscience, in accordance with the statute 1 & 2 Vict., c. 105. I now demand to subscribe to the oath of abjuration and to declare to my property qualification." The omission of the words of the oath being reported to Mr. Speaker, he desired Mr. Salomons to withdraw. "He thereupon retired from the table and sat down upon one of the lower benches; upon which Mr. Speaker informed him that, not having taken the oath of abjuration in the form prescribed by the Act of Parliament and the form in which the House had on a former occasion expressed its opinion that it ought to be taken, he could not be allowed to remain in the House, but must withdraw: and he withdrew accordingly." A short discussion of the subject, which was adjourned to the following Monday, July 21, ensued¹. On the resumption of the debate on that day Mr. Salomons took his seat in the House. The Speaker rose and desired him to withdraw; but the request fell upon deaf ears, and, amidst a scene of great confusion, the Speaker appealed to the house to support the chair. The Prime Minister, Lord John Russell, then moved: "That Mr. Alderman Salomons do now withdraw." To this Mr. Bernal Osborne moved as an amendment that Mr. Salomons,

¹ Hansard, vol. 118, pp. 979-86; *Com. Jour.*, vol. CVI, p. 372.

having taken the oaths required by law in the manner most binding on his conscience, is entitled to take his seat in the House. The adjournment of the debate was then moved, but was defeated, 65 voting for, and 257 against it; Mr. Salomons himself voting in the minority. After further discussion Mr. Bernal Osborne's amendment was put to the vote, and lost by a majority of 148. After the division Mr. Salomons, who had taken no part in it, as it involved a question personal to himself, re-entered the house and took his seat as before, when the debate on the original motion for his withdrawal was continued. The adjournment was again moved, and during the debate on it Mr. Salomons, being directly challenged as to the course he intended to pursue, rose amidst loud cries of "withdraw," and, having obtained a hearing, explained his position. After apologizing for his presumption in addressing the House, which he would not have done had he not been directly appealed to, he said: "But I beg to assure you, Sir, and the House, that it has been far from my intention to indulge in anything contumacious or presuming towards either. But, having been returned to this House by a large constituency, and believing that I labour under no disability whatever, and that I am in a position to fulfil all the requirements of the law, I thought I should not be doing justice to my own position as an Englishman and a gentleman did I not adopt the course which I thought right and proper of maintaining my right to appear on this floor—without thereby meaning any disrespect to you, Sir. I thought I was bound to take this course in defence of my own rights and privileges, and of the rights and privileges of the constituents who have sent me here. In saying this, Sir, I shall state to you that whatever the decision of this House may be, I shall willingly abide by it, provided that just sufficient force be used to make me feel that I am acting under coercion." In conclusion he besought the House not to come to a final decision without giving him an opportunity of addressing

it on what he believed to be the rights and privileges of himself and his constituents. The motion for adjournment was again defeated, and the original motion, "that Mr. Salomons do now withdraw," was put and carried by 231 to 81 votes. "Whereupon Mr. Speaker stated that the Honourable Member for Greenwich had heard the decision of the house, and hoped that the Honourable Member was prepared to obey it.

"Mr. Alderman Salomons continuing to sit in his seat, Mr. Speaker directed the Serjeant-at-Arms to remove him below the bar.

"Whereupon the Serjeant-at-Arms having placed his hand on Mr. Alderman Salomons, he was conducted below the Bar¹."

The next day the subject was resumed, the Prime Minister moving that Mr. Salomons was not entitled to vote or sit in the House during any debate, until he should have taken the oath of abjuration in the form appointed by law. To this Mr. Bethell moved as an amendment that both Baron de Rothschild and Mr. Salomons, having taken the oaths in the manner in which the House was bound by law to administer them, were entitled to take their seats as members of the house. The amendment was defeated by 118 votes to 71. After a fruitless motion for adjournment a further amendment was proposed "and that this House, having regard to the religious scruples of the Honourable Member for Greenwich, will exercise its undoubted privilege in that behalf, and proceed forthwith to cause such alterations to be made in the form and mode of administering the said oath as shall enable the Honourable Member to take and subscribe the same." After further discussion the debate was adjourned².

Meanwhile petitions were presented to the House on

¹ *Com. Jour.*, vol. CVI, p. 381; Hansard, *Parl. Deb.*, vol. 118, pp. 1143-1217.

² *Com. Jour.*, vol. CVI, pp. 386-7; Hansard, *Parl. Deb.*, vol. 118, pp. 1318-66.

behalf of the electors of the borough of Greenwich, praying to be heard by counsel at the bar in defence of their right to elect their own representatives, and also on behalf of the inhabitants of London, praying the house to forthwith adopt a resolution admitting Baron de Rothschild to his seat in the house and to hear counsel in support of the petition. These petitions were considered separately, and both were refused by substantial majorities, it being thought that the subject had been so thoroughly discussed that no further light could be thrown upon it. On the resumption of the adjourned debate the amendment pledging the House to alter the oath of abjuration was defeated by a majority of 38, and the original motion declaring Mr. Salomons not entitled to take his seat until he had taken the oath of abjuration carried by a majority of 55¹.

Such were the proceedings in the House of Commons; at the sitting last mentioned the Speaker had read to the House a letter which he had received from Mr. Salomons, in which the latter stated that actions had been commenced against him for penalties alleged to have been incurred for having sat and voted as a member of the house on the 21st of July. The action was tried in the Court of Exchequer by Baron Martin and a jury, which, under the direction of the learned judge, returned a special verdict embodying the facts already set forth. Upon this verdict a learned argument took place before the full Court of Exchequer on January 26 and 28, 1852. On behalf of Mr. Salomons four grounds were put forward for asserting that the penalties were not enforceable against him: (1) The oath of abjuration laid down by the statute contained the words "our sovereign Lord King George," and therefore it was submitted that since the reigning sovereign did not bear the name of George, the obligation to take the oath no longer existed.

¹ *Com. Jour.*, vol. CVI, pp. 406-7; *Hansard, Parl. Deb.*, vol. 118, pp. 1573-1629.

(2) That when the law imposes an oath upon any person, it not only permits but requires him to take it in such form as is most binding on his conscience. In Mr. Salomons' case this was with the omission of the words "upon the true faith of a Christian," which were not introduced as part of the substance of the oath, imposing a religious or political test, but as part of the form or manner in which the oath was to be taken, and might therefore be regarded as mere words of attestation, like the words "So help me God," which were actually omitted in the last act prescribing the form of the oath of abjuration¹. (3) That Mr. Salomons was authorized to take the oath in the way he did by the Oaths Act of 1838 (1 & 2 Vict., c. 105). (4) That he was enabled to do this by the provisions of 10 Geo. I, c. 4, which had by implication been kept alive by the annual indemnity acts.

As the judges differed in opinion, judgment was not given until April 19, when the Court entered judgment for the Plaintiff; Baron Martin dissenting. The difference was as to the second ground put forward by the Defendant; the other three points being purely technical and manifestly untenable. Baron Martin held that as the words "upon the true faith of a Christian" were originally inserted not as a test of Christianity, but for the purpose of making the oath more effectually binding upon the consciences of Roman Catholics, it would be absurd to insist upon a Jew pronouncing them; for it was only when these words were omitted that the oath was really obligatory and binding upon him, and the advantage contemplated by the statute secured. Had it been intended that the words should be of the substance and essence of the oath, and that no one except a Christian should be permitted to take it, it was competent for the legislature so to enact, but the statutes did not manifest any such intention.

The Chief Baron (Pollock) and the other two judges, on

¹ 6 Geo. III, c. 53.

the other hand, held that the words in question were an essential part of the oath; for a judicial and a promissory oath are different in their nature. A judicial oath may be modified so as to be made binding on the taker; because such an oath is governed by the law of nations, for justice is of all countries and climes; but an oath of office or qualification is governed by the municipal laws of the State which requires it to be taken, and by those laws alone. Where the very form of the oath is prescribed by the legislature, then the directions of the legislature must be literally followed, and the oath must, and can only lawfully be taken in the prescribed form, until that form be altered by the authority which appointed it. If the prescribed form is such as to exclude the adherents of any particular religious sect, it may be unjust, but it is not absurd. In this case the express words of the oath did exclude all but Christians, and no intention to include any who were not Christians could be collected either from the Act itself or the history of the times when it was passed.

Judgment was accordingly entered against Mr. Salomons, who thereupon appealed to the Exchequer Chamber. In May, 1853, that Court unanimously affirmed the decision of the Court below. After pronouncing the judgment of the Court, Lord Campbell, the Chief Justice, added, "We have only to declare what the law is, not what it ought to be. I regret that the Act ever passed so as to exclude the Jews, and my wish is that it should be repealed. But it is our duty to put the best construction we can on the Act of Parliament; and, in so doing, we entertain no doubt whatever that, according to the existing law, Jews are excluded from sitting in either House of Parliament ¹."

¹ 8 Exch. p. 787. Baron Alderson had concluded his judgment in the Court below in a similar way, saying: "I do most sincerely regret, as a mere expounder of the law, to come to this conclusion—for I do not believe that the case of the Jews was at all thought of by the legislature when they framed these provisions. I think that it would be more worthy of this

A writ of error was lodged in the House of Lords, but was not proceeded with. Thus the legal validity of the proceedings which had taken place in the House of Commons was established; and Mr. Salomons was obliged to pay the fine of £500, and to retire from the House¹.

There is little doubt that the majority of the members of the House of Commons, though that majority was by no means overwhelming, was willing to admit Jews to the full privileges of membership, and recognized that it was only by a legal technicality that Jews were excluded. Still, while the law remained unchanged the House was resolved to administer it according to the letter. The efforts to obtain an alteration of the law were therefore renewed. In February, 1853, Lord John Russell, who was then Secretary of State for Foreign Affairs in Lord Aberdeen's coalition Ministry, again moved that the House should go into committee to take into consideration certain disabilities affecting the Jews, and, after an animated discussion, in which the old arguments were reiterated, the motion was carried by 234 votes to 205². A Jewish Disabilities Bill was accordingly brought in and read for the first time on March 1. It was opposed at all the remaining stages, the second reading being carried by a majority of 51, and the third by a majority of 58 votes³. The Bill was then sent up to the House of Lords, when the Prime Minister, the Earl of Aberdeen, who had on previous occasions voted against the removal

country to exclude the Jews from these privileges (if they are to be excluded at all, as to which I say nothing) by some direct enactment, and not merely by the casual operation of a clause intended apparently in its object and origin to apply to a very different class of the subjects of England" (7 Exch. p. 542).

¹ The case of *Miller v. Salomons* is reported in 7 Exch., 475, and 8 Exch., 778. See also 21 L. J., N. S., 161; 16 Jur., 375; and 8 St. Tr., new series, 111. For the want of prosecution of the appeal in the House of Lords see the debate on Lord Campbell's question in that House on July 21, 1857 (Hansard, *Parl. Deb.*, vol. 147, pp. 108-17).

² Hansard, *Parl. Deb.*, vol. 124, pp. 590-625.

³ *Ibid.*, vol. 125, pp. 71-118, 166-72, and 1217-90.

of Jewish Disabilities Bills, took charge of it. The rejection of the measure was moved by the Earl of Shaftesbury, and the Bill was refused a second reading by 164 votes to 115¹. The history of the previous Bills had led the supporters of this one to anticipate no other fate for it in the Upper House; indeed Mr. John Bright, addressing the House of Commons on this subject for the first time during the debate on the third reading, had roundly asserted that the only way of making it law, was for the Government to stake its existence as a Government upon its acceptance by the Lords, and urged the Government in case it was not passed to cast the responsibility of forming a Government upon those who voted for its rejection. Lord John Russell in winding up the debate declined to yield to this appeal, adding that he believed there would be no great resistance on the part of the House of Lords to the Bill, when once there was an overwhelming opinion in the country in its favour. "Although," he said, "we have for a long time had a majority in this house in favour of this question, I cannot say that we have anything more to urge upon the House of Lords at present than has been urged before. We have not to say—the Hon. Gentleman has forced me to the confession—that there is an overwhelming feeling in the country in favour of the measure"; it was, however, in conformity with other acts of toleration; it would be illiberal to refuse it because its benefit was confined to a small and insignificant body, and there were already signs that the members of the other house would soon be converted to its utility².

The following year, 1854, Lord John Russell, still being leader of the House of Commons, having the same end in view, elected to pursue a different line of policy, and introduced the Parliamentary Oaths Bill, the object of which was to substitute a single oath for the oaths of allegiance, supremacy, and abjuration, and the oaths appointed to be taken by Roman Catholics under the

¹ Hansard, vol. 126, pp. 754-96.

² Ibid., vol. 125, p. 1286.

Catholic Emancipation Act of 1829 (10 Geo. IV, c. 7). The terms of the new oath were as follows:—

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies which may be found against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the crown, which succession, by an Act intituled, ‘An Act for the further limitation of the Crown and better securing the Rights and Liberties of the Subject,’ is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly announcing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm; and I do declare that no foreign prince, prelate, person, state or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm. So help me God.”

The words “on the true faith of a Christian” were not contained in the new oath, and therefore the passage of the Bill into law would have entailed the admission of the Jews to Parliament. The Bill was allowed to be read a first time without a division, but serious opposition at a later stage was threatened by Sir Frederic Thesiger. It was obvious that the Bill did three things: (1) it altered and simplified the form of oath; (2) it abolished the Roman Catholic oath, appointing one form of oath to be taken by members of all creeds; (3) it admitted the Jews to Parliament. When the discussion on the second reading took place, the threatened opposition manifested itself,

and was directed as much against the alteration of the Roman Catholic oath as against the concession to the Jews. Lord John Russell in vain declared that the only subject before the House was the admission of Jews to Parliament, and that his Bill did nothing more than embody the provisions of the different bills for that purpose, which had been sent up to the House of Lords, and been rejected. Mr. Disraeli and others replied that they had consistently advocated and voted for the removal of Jewish disabilities, and would vote for the present measure if it was confined to that, but that in view of the controversy which had recently been aroused by the Papal claims, they were unable to vote for its second reading, which was ultimately refused by 251 votes to 247¹.

The narrowness of the majority, as well as the speeches made in the debate, indicate that the Bill, had it been introduced in a different form, would have successfully passed through the House of Commons, but the result was that the cause of Jewish emancipation was again delayed, and this time by a vote of the House of Commons.

No attempt to renew the controversy was made during the following year, which saw the downfall of the coalition Ministry and the formation of Lord Palmerston's first Cabinet; but early in the Session of 1856 Mr. Milner Gibson, the Free Trade member for Manchester, introduced a Bill to abolish the oath of abjuration. The final words of this oath constituted the only impediment to Jews occupying a seat in Parliament, and it was the avowed object of the proposer of the new Bill to remove this disability; at the same time it was admitted on all hands that the oath of abjuration had become obsolete, and that since there were no longer any descendants of the Pretender to claim the throne, there was no necessity to require the Queen's subjects to renounce and abjure allegiance to them. The Bill, though not a Government measure, received the support of the Prime Minister, Lord Palmerston, and

¹ Hansard, vol. 130, pp. 272-88; *ibid.*, vol. 133, pp. 870-974.

his followers, subject to the insertion of a clause, which was subsequently moved by Lord John Russell, providing for a declaration as to the maintenance of the Protestant Succession to the Throne; Lord Palmerston himself answering the objection that the Bill would admit Jews to Parliament by indirect means by the statement that the obstacle which prevented them from sitting had been only indirectly and unintentionally erected. Mr. Disraeli made a remarkable speech on the second reading of the Bill, giving it his support but saying that he would prefer to retain the words on the true faith of a Christian, and give special exemption to the Jews by a separate clause. Christianity itself owed its very existence to the efforts and exertions of a Jew, and a Christian community more than any other was bound to show the Jews respect¹. The second reading of the Bill was carried by 230 votes to 195, and though at the third reading Sir F. Thesiger proposed an amendment restoring the clause ending with "upon the true faith of a Christian," the amendment was rejected by 159 votes to 110, and the Bill was sent up to the House of Lords. In that House the second reading was bitterly opposed; and on the motion of Earl Stanhope refused by 110 to 78 votes².

In the April of the following year, 1857, a general election took place, the result of which was to retain Lord Palmerston in power with a substantial majority in the House of Commons. Baron de Rothschild was again returned as one of the members of the City of London. The Jewish question was not allowed to remain long dormant. As early as May 15 the Prime Minister himself presented the Oaths Bill to the House of Commons, the object of which was to substitute a single oath for the oaths of allegiance, supremacy, and abjuration. In asking leave

¹ Hansard, vol. 141, pp. 752-5. His peculiar theory is developed in the twenty-fourth chapter of his *Life of Lord Charles Bentinck*.

² Ibid., vol. 140, p. 1288; *ibid.*, vol. 141, pp. 703-59; *ibid.*, vol. 142, pp. 595-605, 1165-97, 1772-1805.

to bring in the Bill, Lord Palmerston in the first place apologized to Lord John Russell for taking the subject out of his hands. He then explained that the Bill did not in any way interfere with the oath to be taken by Roman Catholics, which would remain the same as it had been since the Catholic Emancipation Act of 1829. The new oath embraced the old oath of allegiance, and those parts of the oaths of supremacy and abjuration which were applicable to the circumstances of the time, but omitted such parts of those oaths as had become obsolete, such as abjuring the Pretender and his descendants, and did not contain the words "on the faith of a Christian¹." In consequence Jews would be allowed to sit and vote in Parliament. The only argument for excluding them, was that it was a Christian Assembly, but would the admission of a few Jews shake the Christian Religion? He had often heard of Jews becoming Christians but never of Christians becoming Jews; the Old Testament had prepared the way for the New Testament, but the New would never lead back to the Old Testament. Sir Frederic Thesiger gave a history of the previous measures on the subject and, though he did not oppose the introduction of the Bill, announced his intention of doing so at a later stage. The Bill was accordingly brought in and read a first time without opposition².

The second reading stage was also passed without opposition; for, before it was reached, Sir F. Thesiger announced that the new oath was in many respects an improvement upon the old oaths, and that his objection to it was that it might be taken by persons who did not declare themselves Christians. He would not therefore oppose the

¹ The wording of the new oath was primarily the same as that of Lord John Russell's Bill of 1854 (see *supra*) except that the words "jurisdiction, &c., ecclesiastical or spiritual" were substituted for "temporal or civil jurisdiction" in the last clause of the oath, the reason for the alteration being that Roman Catholics were not to be required to take the new oath.

² Hansard, vol. 145, pp. 318-38.

second reading, but would propose in committee the addition of words which would preserve the Christian character of the oath. At the committee stage he accordingly moved as an amendment that the following words be added at the end of the new oath:—

“And I do make this promise, renunciation, abjuration, and declaration, heartily, willingly, and truly, on the true faith of a Christian.”

The amendment was debated with the same keenness that had been exhibited on former occasions, but it was manifest that the ranks of the opponents of Jewish emancipation were becoming thinner. Sir John Pakington, one of the leading Tories in the House, declared that though he had on previous occasions voted for the exclusion of the Jews, he was now on further consideration ready to admit them, and should vote against the amendment, though he thought it would have been better to have retained a profession of Christianity in the oath, and to have made a special provision to enable Jews to omit that part of it. When the amendment was at length put to the House, it was rejected by the substantial majority of 140; 201 members voting for and 341 against it¹.

At the Report stage the Government consented to the insertion of clauses in the Bill disabling Jews from holding the high offices of State, from which Roman Catholics were excluded by the Catholic Emancipation Act of 1829, and from exercising any ecclesiastical patronage which might be attached to offices they might hold. Nevertheless the third reading of the Bill was opposed but finally carried by 291 to 168 votes².

Thus under the auspices of the Government, and with an overwhelming majority in its favour in the House of Commons, the Bill was sent up to the House of Lords; where its second reading was moved by Earl Granville, at

¹ Hansard, vol. 145, pp. 1101, 1341, 1794-1857.

² Ibid., vol. 146, pp. 143-8, 347-65.

that time President of the Council. The Earl of Derby, the leader of the Tory opposition, moved its rejection, and was immediately followed by the aged Lord Lyndhurst, the former Tory Chancellor, who made a powerful speech in favour of the Bill. After a long debate, in which the most telling speeches were made by Lord Bingham in favour of, and by Wilberforce, Bishop of Oxford, against the Bill, the second reading was refused by 171 votes to 139¹.

The friends of Jewish emancipation were not willing to let the matter rest. A week later, in the House of Commons, Lord John Russell pressed the Government to give facilities for the passage of a new Bill to remove Jewish disabilities which he was about to introduce, but Lord Palmerston, thinking that he had done enough by the introduction of his own measure and its successful passage through the Lower House, was unable to promise a day for the discussion of the new Bill². It was known as the Oaths Validity Act Amendment Bill, and its object was to extend the principle of the Oaths Act of 1838 (1 & 2 Vict., c. 108), which enables persons to take an oath according to the form and ceremony binding on their own conscience, so as to make it to apply to the oaths to be taken by Members of Parliament. On July 21 Lord John Russell moved for leave to bring in the Bill. The House, he said, had already affirmed the principle of religious liberty by a majority of 140, and ought not to be baffled by an adverse vote of the House of Lords. It was open to them to admit a Jewish member by Resolution, but that would bring them into conflict with the other House; the measure, he now proposed, if carried, would settle the question without any risk of such a contest, and if strenuously supported by the Government would have a fair chance of passing both Houses; while in any case its introduction would show that they did not partake of the apathy of resting content with what had already been done.

¹ Hansard, vol. 146, pp. 1209-78.

² *Ibid.*, pp. 1699-1704.

The motion for leave to bring in the Bill was opposed by Mr. Walpole, who stated that he took this somewhat unusual course for three reasons. In the first place its introduction, after a Bill for effecting the same object had already been before the House that session, was an evasion if not a breach of the rules of the House; in the second place it was likely to lead to a conflict with the House of Lords; and thirdly there was no proper time for the discussion of the measure. In the course of the debate the Prime Minister, Lord Palmerston, expressed his cordial consent to the motion for leave to bring in the Bill, but reserved for future consideration the question whether he should give it his support in its future stages, and refused to postpone Government business for the purpose of pressing the Bill forward. The motion was carried by 246 votes to 154, and the Bill read a first time. The second reading stage was postponed by its author, and ultimately abandoned, with a notice that a similar measure would be introduced next session¹.

In the meantime Baron Rothschild had applied for and obtained the Chiltern Hundreds, and been re-elected by the citizens of London. There was some anticipation that he would attempt to take his seat and obtain a resolution from the House allowing him to omit the obnoxious words of the oath, and threatening with the penalties of breach of privilege any one who might sue him for penalties in consequence of his sitting or voting without taking the oath. Such a course would almost inevitably have caused a collision between the House of Commons and the courts of law, and, although it may have been contemplated, was never in fact attempted.

On the other hand, Lord John Russell on August 3 moved in the House of Commons for the appointment of a Select Committee to consider whether the Statutory Declarations Act of 1835 (5 & 6 Will. IV, c. 62), which

¹ Hansard, vol. 146, pp. 1772-80; *ibid.*, vol. 147, pp. 134-95, 684, 929. 1287.

permits a statutory declaration, containing nothing objectionable to Jews, to be substituted for an oath in certain cases, was applicable to the oaths appointed to be taken by Members of Parliament. Though there was some discussion, no division was challenged on the motion, and the Committee was appointed. In due course the Committee, having arrived at the decision by only a narrow majority, reported that the provisions of the Act were not applicable to the oaths which members of the House were bound to take before taking their seats. The report was laid upon the table and ordered to be printed. No further step in the controversy was taken during the session¹.

The acute commercial crisis in the latter part of 1857 rendered an autumn session necessary, and Parliament was hastily summoned to meet in the month of December. In an interval not taken up by Government business, Lord John Russell brought in a Bill "to substitute one oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the Relief of her Majesty's Subjects professing the Jewish Religion," which subsequently became known by the shorter title of the Oaths Bill. The oath now proposed was the same as that contained in the Government's abortive measure of 1857, but with the addition at the end of the following words, "And I make this Declaration upon the true faith of a Christian." On the other hand, clause 5 of the Bill provided that a person of the Jewish persuasion to whom the oath was administered might omit this final sentence. The Bill also contained a clause to extend the Jewish Disabilities Removal Act of 1845 (which applied only to admission to municipal offices) to all offices on admission to which the Declaration prescribed by the Act of 1828 for repealing the Corporation and Test Acts (9 Geo. IV, c. 17) had to be made and subscribed. The Bill was presented and read a first time, but the second reading was deferred until after the Christmas recess. On February 10, 1858, the Bill was set down for

¹ Hansard, vol. 147, pp. 811, 933-60, 1010-20, 1119, 1223, 1287.

second reading, and at this stage also no division was challenged, but Sir F. Thesiger announced that he would move the omission of the fifth clause when the House went into Committee on the Bill¹.

In the meantime Lord Palmerston's Government fell, being defeated in the House of Commons on the second reading of the Conspiracy to Murder Bill, which had been introduced by the Cabinet in deference to the wishes of the French Government on account of the unsuccessful attempt to assassinate the Emperor Napoleon. The Earl of Derby and the Conservative party came into office, but yet the change of Ministry was not thought to militate against the successful termination of the contest for Jewish emancipation. The former Ministry, though proclaiming themselves the friends of religious liberty, had never been really united in support of any of the numerous Jew Bills, and on the last occasion one influential member of the Cabinet had sanctioned the course adopted by the House of Lords by ostentatiously walking out of the House without voting. On the other hand several members of the new Ministry, including Mr. Disraeli, the leader in the House of Commons, Sir John Pakenham, the first Lord of the Admiralty, Lord Stanley, the Prime Minister's son, and Sir Fitzroy Kelly, the Attorney-General, were keen advocates of Jewish emancipation, and the Earl of Derby himself, though he had led the opposition to the previous Bill in the House of Lords, now that he had become Prime Minister was known to be wavering and ready to accept a compromise if any could be suggested, which without having the appearance of a complete surrender on the part of the Upper House might bring to an end the prolonged struggle between the two Houses.

In due course the House of Commons went into Committee upon the Bill. Sir F. Thesiger having become Lord Chancellor, and transferred to the House of Lords, it was left to Mr. Newdegate to move the omission of clause five,

¹ Hansard, vol. 148, pp. 469-99, 1084-1118.

which made special provision in favour of Jews when called upon to take the new oath. The motion did not however command the assent of one third of the members taking part in the division, and was defeated by a majority of 153; 144 members voting for it and 297 against it. The Bill passed through committee intact, and in due time received its third reading¹.

The next day the Bill was read a first time in the House of Lords. The following week the second reading was moved by Lord Lyndhurst and agreed to without a division, but the Earl of Derby announced that though several of his colleagues were in favour of clause five, he himself could see no reason for altering the course he had followed on previous occasions, and that he would vote for the omission of the clause when the House went into committee. At that stage the new Lord Chancellor, Lord Chelmsford, formerly Sir Frederic Thesiger, moved the omission of the clause. Lord Lyndhurst led the opposition to the motion, which was carried by 119 votes to 80, but the clause extending the benefit of the Jewish Disabilities Removal Act, 1845, to the case of Jews appointed to other than municipal offices was allowed to pass, and the Bill as amended was read a third time on the last day of April without opposition².

When the Bill thus emasculated was returned to the House of Commons, its author, Lord John Russell, stating that the chief value of the Bill had lain in the clause regarding the admission of Jews to seats in Parliament, moved that the House should disagree with the Lords' amendments. After some discussion the motion was carried, and it was also resolved that a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing with their amendments. When the names of the Committee had been decided upon, Mr. Duncombe moved "that Baron Lionel Nathan de Rothschild be one

¹ Hansard, vol. 149, pp. 294-305, 442, 466-550, 946.

² Ibid., pp. 946, 1477-86, 1758-97, 2009.

other member of the said Committee." The debate on his motion was adjourned in order to enable the precedents as to the legality of such a nomination to be searched. At the adjourned debate many members thought the nomination improper and inexpedient, though all agreed that it was not illegal, and the motion was carried by 251 to 196 votes¹.

The appointment of Baron de Rothschild as a member of the Committee was a master-stroke in the constitutional skirmish which was being maintained between the two Houses. It was a convincing proof of the absurdity of the position which the Lords maintained. The Act of George the First (1 Geo. I, stat. 2, c. 13), under which Alderman Salomons had been mulcted and driven from the House, imposed penalties upon Members of Parliament, who had not taken the oaths, only in case they voted or sat in the House during a debate, but neither that nor any other Act punished an unsworn member for exercising any of the other privileges attaching to membership of the House. One of these was the important right of sitting upon a Committee, if appointed by the House; though in order to establish this it was necessary to search the precedents as far back as the year 1715, in which year it was resolved that Sir Joseph Jekyll being a member of the House was capable of being chosen of a Committee although he had not been sworn at the Clerk's table². The exercise of such important functions by a Jew, which the Lords were powerless to prevent, clinched the argument advanced by Lord John Russell that it was only by a sort of legislative fraud that Jews were excluded from the full rights of membership of Parliament, and also demonstrated to the House of Lords the futility of their insisting on debarring from the full rights of membership of the Lower

¹ Hansard, vol. 150, pp. 336-54, 430-443.

² 18 *Com. Jour.*, p. 59. Sir Joseph Jekyll was Chief Justice of the County Palatine of Chester, and his absence on circuit was the reason for his not having taken the oaths. See Cobbett, *Parl. Hist.*, vol. VII, p. 57.

House, one whom that House was ready and willing to admit. Without delay the Committee drew up the reasons which were read in the House and agreed to: they were as follows:—

“1. Because the words ‘on the true faith of a Christian,’ were originally introduced into the oaths to be taken by Members of Parliament with a view to bind certain Roman Catholics, and were not intended for the purpose of excluding persons of the Jewish religion.

“2. Because the exclusion of British subjects from seats in Parliament and offices in the State on the ground of their religious opinions is contrary to the general maxims of freedom of conscience.

“3. Because no charge of disloyalty or unfitness for public employment, and a fair share of legislative power has been alleged, or can be alleged, against the Jewish community.

“4. Because the infliction of disabilities upon any class of Her Majesty’s subjects, solely on the ground of their conscientious adherence to their faith, savours of persecution, and is totally inconsistent with those principles of religious liberty, which, in the case of more powerful communities, have been applied by Parliament with such happy effects.

“5. Because the Commons having already on ten previous occasions, and in five Parliaments, passed Bills for removing the civil disabilities of the Jews, and having of late years agreed to such Bills by constantly increasing majorities, are convinced that the opinion of their constituents, and of the country at large, has been irrevocably pronounced in favour of the removal of such disabilities.

“6. Because such Bills have been supported by many of the most eminent Members of both Houses of Parliament, who, while differing upon other political questions, have concurred in the justice and expediency of measures for the relief of the Jews.

"7. Because the rights of the Electors of the United Kingdom have been peculiarly affected by a law which has been construed to prevent the admission to the House of Commons of persons who have been lawfully returned as members of that House.

"8. Because the first and third clauses of the Bill are open to the construction that the new Oath, which the former of them contains, should be taken not only in all cases where the Oaths of Allegiance, Supremacy, and Abjuration, are now required, but also where the Oaths of Allegiance and Supremacy are at present required, though without the Oath of Abjuration; the result of which construction, if the Bill should pass into law without the fifth clause, would be to exclude the Jews from practising as solicitors and barristers, and from offices under the Crown, to which employments and offices they are now admitted.

"9. Because such result would be contrary to the intention of the two Houses of Parliament, appearing from the sixth clause, and from the title of the Bill under consideration¹."

The House of Commons further decided to request a conference with the Lords, which the Lords agreed to, and the Commons subsequently appointed the members of the Committee, including Baron de Rothschild, to manage the Conference on their behalf. The Conference was duly held, and the reasons delivered to the Lord Chamberlain who conducted it on behalf of the Upper House².

When the report of the Conference came up for consideration in the House of Lords, the Earl of Lucan, of Crimean fame, a staunch supporter of the Tory party who had always hitherto consistently voted against the different Jew Bills, moved an amendment to the effect that it should be lawful for either House of Parliament, when the oath was administered to a Jew prior to his taking his seat

¹ *Com. Jour.*, vol. 113, p. 172.

² *Hansard*, vol. 150, pp. 529-30, 763, 859.

in the House, by resolution to determine that the form of the oath, so far as it referred to the Christian faith, should be modified in such manner as should seem best calculated to adapt it to the honest and conscientious scruples of persons professing the Jewish religion.

The proposal took the House somewhat by surprise, being made by Lord Lucan *proprio motu* without consultation with any political party or group. It nevertheless met with a favourable reception. Earl Stanhope, who had led the opposition to Mr. Milner Gibson's Bill of 1856, announced that he would no longer offer an uncompromising opposition to the admission of Jews to Parliament, and if the amendment now before the House should be pronounced by Lord Lyndhurst, who had throughout led the cause of Jewish emancipation, to be a fair settlement of this long-agitated question, he also was prepared to vote for it. More significant still was the position taken up by the Prime Minister, the Earl of Derby. He expressed his desire to come to a reasonable compromise with the House of Commons. If it were a question of policy or expediency, their duty was to yield to the determined expression of the views of the House of Commons, and to waive their own opinions, unless they felt that they were supported by the country. But it must be admitted that the country was extremely apathetic on the question. Lord Lucan's suggestion might be a plausible solution of the difficulty, but it would require consideration, and would have to be put into shape. Moreover, he thought, it would best be carried out by being embodied in a separate Bill. In the meantime the proper course was for the Lords to insist upon their amendments. The Earl of Malmesbury, the Secretary of State for Foreign Affairs, concurred in the Prime Minister's views, and after some discussion Lord Lucan withdrew his amendment.

Lord Lyndhurst then moved that the House should not insist upon its amendments; and was answered by the Lord Chancellor, who went through and severely criticized the

reasons put forward by the Lower House. Earl Granville and Lord Brougham appealed to the mover not to persist in his motion, considering that the cause of Jewish emancipation had made such an advance that evening owing to the attitude of Lords Derby and Malmesbury that it might be considered to be practically won. Lord Lyndhurst adopted this suggestion, and withdrew his motion, expressing the hope that the spirit of conciliation would survive. Accordingly the Lords resolved to insist upon their amendments, and appointed a Committee to prepare reasons to be offered to the Commons therefor¹.

The following week two Bills, each intended to carry out the compromise arrived at, were presented in the House of Lords, and read a first time; they were Lord Lyndhurst's Bill to substitute one oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for relieving the religious scruples of certain of Her Majesty's subjects, and Lord Lucan's Jewish Relief Bill. The discussion of these rival measures was postponed from time to time owing to the indisposition and consequent absence of the Prime Minister. At length, when the Bills reached the second reading stage, the Earl of Derby expressed his preference for Lord Lucan's Bill on the ground that it was more in accordance with Parliamentary procedure. Thereupon Lord Lyndhurst desiring only to attain the end in view, and having no personal object to fulfil, postponed and ultimately withdrew his Bill, which had become known as the Oaths Substitution Bill. Lord Lucan then proceeded to move the second reading of his Bill, which as originally drafted contained two clauses only. The first empowered either House of Parliament to resolve that thenceforth any person professing the Jewish religion, when taking the oath substituted by the Oaths Bill of the present session for the Oaths of Allegiance, Supremacy, and Abjuration, might omit the words "And I make this declaration upon the true faith of a Christian," and so

¹ Hansard, vol. 150, pp. 1139-93.

long as such resolution continued in force made the taking of the oath in such modified form valid so as to enable the taker to sit and vote in Parliament; the second enabled persons professing the Jewish religion to omit the above-mentioned words in the said oath in all other cases in which they might be required to take it. Despite the understanding which had been arrived at by the leaders on both sides of the House, the motion for the second reading was stubbornly opposed, but was carried by 143 votes to 97¹.

At the Committee stage two additional clauses were inserted, the first excluding Jews from holding the high offices of state from which Roman Catholics were excluded by the Catholic Emancipation Act of 1829. This clause, as we have seen, was subsequently repealed by the Promissory Oaths Act of 1871. The second, which is still in force, was also borrowed from the Catholic Emancipation Act, and conferred upon the Archbishop of Canterbury the right of presentation to any ecclesiastical benefice which belonged to any office in the gift of the crown which might be held by a person professing the Jewish religion, and disabled any person professing that religion from directly or indirectly advising the Crown as to the exercise of its ecclesiastical patronage.

The third reading was also opposed, but was carried by thirty-three votes to twelve, and even then eight peers recorded their solemn protest against the Bill².

Meanwhile the committee had framed the report of the Lords' reasons for insisting on their amendments to the Oaths Bill. After some discussion in the House these reasons were finally settled and sent down to the House of Commons along with the Jewish Relief Bill. In their final form they were as follows:—

“1st. Because, although the words ‘on the true Faith

¹ See Hansard, vol. 150, pp. 1600, 1998–2000, 2218; *ibid.*, vol. 151, pp. 154–5, 693–730.

² *Ibid.*, vol. 151, pp. 916–30, 1070–4, 1257–66.

of a Christian' were originally introduced into the Oath for the immediate purpose of binding certain Roman Catholics, it is unreasonable to assume that the Parliament which so introduced them did not intend that the profession of Christianity should be a necessary qualification for admission to the Legislature, when they enacted that a Declaration of that faith should form part of the Oath required to be taken by every member of both Houses.

"2nd. Because the constant intention of the Legislature may be further inferred from the fact that neither at the time of the introduction of these words were the Jews admissible nor have they at any subsequent period been admitted to sit and vote in either House of Parliament.

"3rd. Because exclusion from seats in Parliament and offices of the State on the ground of religious opinion and for other reasons where the general good of the State appears to require it, is a principle recognized in the settlement of the succession to the Crown and in other cases; and has, moreover, been further and recently sanctioned by the House of Commons in some of the provisions of the present Bill.

"4th. Because, without imputing any disloyalty or disaffection to Her Majesty's subjects of the Jewish persuasion, the Lords consider that the denial and rejection of that Saviour, in whose name each House of Parliament daily offers up its collective prayers for the divine blessing on its councils, constitutes a moral unfitness to take part in the legislation of a professedly Christian community.

"5th. Because, when the Commons plead in support of their views, in a matter which equally concerns the constitution of both branches of the Legislature, their repeated recognition of the expediency of removing this disability of the Jews, and admitting them to their councils, the Lords desire to refer to their equally firm adherence to the principle of retaining those privileges which they believe to be peculiarly and inseparably

attached to Parliament as an exclusively Christian Assembly¹."

The next day the Jewish Relief Bill was read for the first time in the House of Commons, and Lord John Russell made a motion for the adjournment of the House in order to explain the course he proposed to adopt. He would move the second reading of the new Bill, and ask the government for facilities for carrying it through its remaining steps before the end of the session. If this were done the House might concur in the Lords' amendments to the Oaths Bill without proceeding to discuss their reasons. He would, of course, have preferred that the Lords should have said that the object in view, namely, the admission of Jews to sit and vote in that House, would have been better provided for in a separate Bill, instead of giving reasons why no Bill of the kind should pass at all. He was, however, assured that the course taken was not intended as an insult to the House of Commons, and the compromise, by which the Lords merely retained the right to exclude a Jew, if created a peer, from their own House, he was willing to accept as the best practical solution of the question, hoping, as he did, that in course of time Jews would be admitted into the other House also. Mr. Disraeli, as leader of the House of Commons, at once consented to grant the facilities asked for, and the motion was by leave withdrawn².

The Bill was rapidly passed through the House of Commons; its rejection was moved on the second reading by Mr. Newdegate, who could only muster 65 supporters against 156 opponents of his motion. It went through committee and was reported without amendment. Yet on the motion for the third reading the opposition was again renewed. It was led by Mr. Warren, who declared that the settlement was one in which nothing was settled and that from the moment that the Bill became law would

¹ Hansard, vol. 151, pp. 156, 262, 1243-57.

² Ibid., pp. 1369, 1371-80.

date the decline of the moral and religious influence of the House of Commons. On the division being taken, 129 voted for, and 55 against the third reading. The same evening the House took into consideration the Lords' Amendments to the Oaths Bill and the reasons given for insisting upon them, and passed the following resolutions: (1) "That this House does not consider it necessary to examine the reasons offered by the Lords for insisting upon the exclusion of Jews from Parliament, as by a Bill of the present session intituled 'An Act to provide for the relief of Her Majesty's subjects professing the Jewish religion,' their lordships have provided means for the admission of persons professing the Jewish religion to seats in the Legislature." (2) "That this House doth not insist upon its disagreement with the Lords in their amendments to the said Bill."

Two days afterwards, on July 23, 1858, the Royal Assent was given to both the Jewish Relief Bill and the Oaths Bill¹.

The following Monday Baron Lionel de Rothschild again appeared at the table of the House, and was allowed to take the new oath with the omission of the final words, a resolution to that effect having been first proposed by Lord John Russell, and carried by a majority of thirty-two. He was thus at length permitted to take his seat in the House of which he had been a member for eleven years, in the course of which he had been returned as the representative of the city of London no less than five times, at three general and two bye-elections².

The controversy which had divided the two Houses for ten years was thus settled in a way peculiarly consonant to the trend of English constitutional history. The settlement seems to be destitute of principle and innocent of logic, but it was sufficient to meet the difficulty which had actually arisen; its form, moreover,

¹ Hansard, vol. 151, pp. 1614-36, 1754-62, 1863-5, 1879-1906, 1967.

² *Ibid.*, pp. 2105-15.

was so clumsy that it was in a short time found necessary to amend it. It was said to be a compromise, but it was in fact no compromise, for the whole point at issue was conceded. It is true that the Lords retained the right to prevent a Jewish peer from taking his seat in their House, but there was no intention at that time of making a Jew a peer, and before such a creation became a question of practical politics the Lords had voluntarily surrendered this very questionable privilege. On the other hand the House of Lords may have been thought to have saved its dignity and justified itself in the position it had taken up, for it had all along been maintained that the question did not concern the Lower House alone, and the Lords, while desiring to maintain the exclusively Christian character of the legislature, disclaimed any intention to interfere with the right of the other House to decide upon the validity of the returns and the admission of members elected to it. At any rate a collision between the two Houses or between the House of Commons and the Law Courts had been avoided, and in spite of the absurdity of the result achieved, when looked at from the merely formal point of view, religious liberty had in substance emerged triumphant.

The ultimate issue was probably hastened by the advent to office of a Conservative Ministry, although the chief opponents of Jewish emancipation had always been found in the ranks of that party. Yet the successive Tory leaders of the House of Commons, Sir Robert Peel, Lord George Bentinck, and Mr. Disraeli, had been staunch adherents of the cause of religious liberty. Had the Liberal party remained in power, there is no reason to doubt that the majority of the House of Lords would have continued to reject any Jewish Relief Bills sent up to them, so long as the ministry declined to make its acceptance a cabinet question; but when the Conservatives came into office they found it necessary to have the standing cause of difference

between the two Houses removed, especially as it was only by the forbearance of their opponents that they could count on a majority in the House of Commons, and they were only carrying on the government until it was convenient to hold a general election. It would have suited neither party to make the Jewish question a ground of appeal to the country. Both the friends and enemies of religious freedom professed their belief that the country was behind them, but neither were willing to stake their political existence upon such an issue. The fact was that, taking the country as a whole, complete apathy upon the subject reigned among the electors. Lord Palmerston was right therefore from the political point of view in not placing the matter in the forefront of his programme; and Lord John Russell himself, while he remained in the cabinet, had not succeeded in converting the whole of his followers to the cause. Indeed, the measure he brought forward in 1854 had actually been defeated in the House of Commons, and he himself was thought to have become so lukewarm that the next Bill (that of 1856) was entrusted by the Jewish partizans to Mr. Milner Gibson.

From the selfish point of view there can be little doubt that the Liberals did right in not making Jewish emancipation one of the issues of party conflict, and, moreover, its exclusion from the arena of party politics was of no little advantage to the Jews themselves, for if they had come to be regarded as the special favourites of one of the great political parties in the State, they would assuredly have been looked upon with dislike, if not with hostility, by the other. Experience has shown that it is to the leaders of political parties, more than to the rank and file of their followers or the electors as a body, that a small community like the Jews must look when it requires special treatment or protection. On the one occasion when a policy of justice to the Jews had been made the subject of an appeal to the people, viz. the Naturalization of Jews Act, 1753, the result had proved disastrous to the cause of

religious liberty. The lapse of time and the extension of education, though they may have eradicated many popular prejudices, have not so altered the character of the populace as to make it welcome a policy of altering the law in order to secure political equality to the Jews with any great amount of enthusiasm.

Before returning from this digression it should further be remarked that throughout the controversy the Jews acted in an open and conscientious way. Over and over again Mr. Roebuck declared in the House that, were he a Jew, he would take the oath, including the words "on the true faith of a Christian," though he would have regarded them as a mere farce and not binding on his conscience; and no doubt it was a case in which, if ever, the maxim of Euripides might be acted upon:—

ἡ γλῶσσ' δμώμοχ', ἡ δὲ φρῆν ἀνώμοτος¹.

To their credit, however, Baron de Rothschild and Mr. Salomons pursued a different course with the unanimous approval of their co-religionists. Had they chosen to follow Mr. Roebuck's advice, it was admitted by the opponents of Jewish rights that they could not have been excluded, for, as Sir Frederic Thesiger put it, it was impossible to bind an unconscientious man by any oath².

The inconvenience of the machinery provided for carrying out the so-called compromise soon became manifest. The doors of Parliament had been opened to the Jew, but he could not enter as of right, for every session³ a resolution must be passed enabling such Jews as might desire to

¹ Eur., *Hip.*, 612.

² However, means were taken by the House of Commons to prevent Mr. Bradlaugh from taking the oath which he had previously declared was not binding on his conscience. But this was a quarter of a century later. The legality of that decision of the House of Commons was affirmed by the Law Courts. See *Bradlaugh v. Gossett* (1884), L. R., 12 Q.B.D. 271.

³ For it was held that a resolution did not remain in force after a prorogation. Report of Committee, Session I, 1859, No. 205.

take the oath to omit the final words, and such resolution might be opposed, and was liable to be defeated on each occasion. To remedy this defect an Act of Parliament was passed two years later enabling the House of Commons to convert a resolution arrived at under the Jewish Relief Act of 1858 into a Standing Order, which would remain valid and in force until repealed, and therefore obviate the necessity of passing a fresh resolution every session¹.

Six years later Parliament was again called upon to deal with the question. The result was the Parliamentary Oaths Act of 1866 (29 & 30 Vict., c. 19). This Act substituted a new and simplified oath, which did not contain the words "on the true faith of a Christian," as the oath to be taken by members of both Houses of Parliament, in lieu of the oaths laid down by the Oaths Act of 1858 and the Roman Catholic oath, the form of which was laid down by the Catholic Emancipation Act of 1829. The object of the new Act, like that of Lord John Russell's unsuccessful measure of 1854, was to create a simplified and uniform oath which all members of Parliament alike might take, to whatever religious denomination they might belong². It incidentally upset the so-called compromise of 1858 by depriving the House of Lords of the right to exclude a Jewish peer which they then retained. It met, however, with no serious opposition in either House of Parliament, and the point to which

¹ See the statute 23 & 24 Vict., c. 63, and see Hansard, vol. 157, pp. 960-63, 1916-9; *ibid.*, vol. 158, p. 305; *ibid.*, vol. 159, p. 1507; *ibid.*, pp. 1745-50.

² The wording of the new oath as finally settled was as follows: "I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria; and I do faithfully promise to maintain and support the succession to the Crown, as the same stands limited and settled by virtue of the Act passed in the reign of King William the Third, intituled 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the Subject,' and of the subsequent Acts of Union with Scotland and Ireland. So help me God." The debates on the measure are to be found in Hansard, vol. 181, pp. 453-9, 1712-37; and vol. 182, pp. 289-314, 480-3, 510-18, 1322-55, 1619-28, 1759, 2176.

substantial criticism was directed was the alteration in the Roman Catholic oath. So far as it related to the Jews, Sir George Grey, the Chancellor of the Exchequer, in introducing the Bill, fairly explained its scope to the House of Commons. He said, "The members professing the Jewish religion sat now in that House not by absolute right, but by sufferance, the result of a compromise adopted to terminate a long struggle, but it was impossible not to see that that arrangement must be temporary. Those gentlemen had sat there for some years, and it would be absurd to ask if any danger had arisen to the Crown, the Church, or the Constitution from Jews sitting in that House. They had taken part with credit to themselves in the discussions of the House, and had performed their duty with integrity and ability. He thought the time was come when the members professing the Jewish religion should be admitted to all the privileges which were enjoyed by the members of other religious denominations. By the adoption of the measure he proposed members would be relieved from the necessity, on coming to the table after a general election, of ranging themselves in three divisions on taking the oaths. Let no man be asked any question as to his religion, but let him take his seat in the House if qualified to sit there, in the opinion of those who sent him there, on taking the oath of allegiance as a loyal subject of the Crown¹."

When the Bill reached the House of Lords, Lord Chelmsford, who years before had been the leading opponent of Jewish emancipation, proclaimed himself content with the new proposal. Before the second reading he said: "With regard to the omission of the words 'upon the true faith of a Christian' I have always contended against the admission of Jews to Parliament as a matter of principle. I have never thought that there was the slightest danger to the state in admitting a few Jews to the legislature; but upon principle, and upon principle alone, I have main-

¹ Hansard, vol. 181, p. 456.

tained my opposition. Now, in the year 1858 an Act was passed which involved a compromise upon this long-vexed question, and it was enacted that either House of Parliament might by a resolution dispense in the case of a Jew with those words of the oath which declares it to be taken 'upon the true faith of a Christian'. Now, my Lords, it appears to me that the principle is as much violated by admitting a Jew by the side door of a resolution as it would be if you admitted him by throwing open the principal door, and giving him a seat in Parliament by the express words of the Act itself. Therefore, in my view, there really is on this subject nothing left worth contending for, and I am not at all disposed, having certainly failed in maintaining the principle which I defended, to take any further part in resisting the complete admission of the Jew to his seat in the legislature¹." Again, at a later stage, when it was proposed to insert the words "on the true faith of a Christian" in the new oath, the same speaker repeated his former statement, and further said: "The House of Commons had chosen to adopt a resolution by means of which a person of the Jewish faith presenting himself at the table could be admitted on taking the oath, omitting the words 'on the true faith of a Christian,' and that resolution had now become a standing order of the House; it was, therefore, clear that, so far as the House of Commons was concerned there was no impediment whatever to the admission of the Jews to Parliament. The resolution had broken down the barrier completely, and the Jew walked in without any difficulty and took his seat. With regard to their Lordships' house—suppose Her Majesty were to be advised to raise a Jew to the dignity of the peerage, would their Lordships refuse to pass a resolution dispensing with that portion of the oath which required him to say he made the declaration 'on the true faith of a Christian'? Their Lordships would hardly be disposed to adopt a course which would be an insult to the Crown;

¹ Hansard, vol. 182, p. 1349.

and, therefore, he considered that there was practically no impediment to the admission of Jews to their Lordships' house. Under these circumstances there was, as he had said, nothing left to fight for! Immediately the principle he had maintained was sacrificed all grounds for further resistance were gone; therefore he did not oppose the second reading of the Bill, and must now decline to vote for the amendment¹." The amendment was not pressed to a division, and the one relic of intolerance which had survived the eleven years' struggle between the two Houses was swept away, practically without any effort to retain it. It was not, however, for nearly twenty years that any Jew was able to avail himself of the rights now thrown open to his community. At length, in July, 1885, Sir Nathaniel de Rothschild, the first Jew to receive a patent of peerage, under the title of Lord Rothschild, was sworn in as a member of the House of Lords, and took his seat accordingly².

The simplified oath established by the Parliamentary Oaths Act of 1866 was to be administered only to persons about to take their seats in either House of Parliament, but the following year another Act, the Office and Oaths Act 1867 (30 and 31 Vict., c. 75) was passed. It enacted that the new and simplified form of oath should be taken as a qualification for the exercise of any office, franchise, or civil right, instead of the Oaths of Allegiance, Supremacy, and Abjuration, or any form of oath substituted for them (as, for instance, under the Oaths Act and Jewish Relief Act of 1858). Inasmuch as the necessity for making the declaration had, as we have seen, been previously removed by the Qualification for Offices Abolition Act 1866 (29 and 30 Vict., c. 22), henceforth Jews when qualifying themselves for holding any office or civil right would go through precisely the same ceremonies as their Christian fellow subjects.

The Promissory Oaths Act of 1868 (31 and 32 Vict.,

¹ Hansard, vol. 182, p. 1622.

² *Lords' Journals*, vol. 117, p. 335.

c. 72), introduced by Lord Chelmsford when again Lord Chancellor, and in consequence of the report of the Royal Commission on the subject appointed in the year 1866, and reappointed after the change of government in the same year, again modified the form of the oaths, and enacted the three very simple forms of the Oath of Allegiance, the Official Oath, and the Judicial Oath, which have already been set out, and which are still in force.

Finally, the Promissory Oaths Act of 1871 (34 and 35 Vict., c. 48), in addition to repealing the section in the Jewish Relief Act of 1858, which excluded Jews from some of the highest offices of state, formally repealed all the statutes establishing the old forms of oaths and declarations which had been superseded and rendered obsolete by the Promissory Oaths Act of 1868 or earlier Acts. This Act passed through both Houses of Parliament without opposition, and almost without discussion. Since it became law Jews have been on precisely the same footing in regard to political rights as their Christian fellow subjects, with this exception only, that they cannot exercise any right of ecclesiastical patronage attaching to any office they may happen to hold.

CHRONOLOGICAL TABLE.

- 1070. A number of Jews brought from Rouen by William I.
- 1194 (?). Exchequer of the Jews established by Richard I as a separate department, and Justices of the Jews appointed.
- 1232. *Domus Conversorum* opened by Henry III.
- 1271. Ordinance of Henry III prohibiting Jews from holding lands in fee, and having Christian servants.
- 1275. Statute de la Jeverie or de Judaismo.
- 1290. Banishment of the Jews by Edward I.
- 1401. Statute de Haeretico, 2 Hen. IV, c. 15.
- 1558. Acts of Supremacy and Uniformity (1 Eliz., c. 1 and c. 2).

1575. General expulsion of Aliens by Queen Elizabeth.
- 1580-1592. Legislation against recusants (23 Eliz., c. 1, 29 Eliz., c. 6, 35 Eliz., c. 1 & 2, &c.).
1605. Gunpowder Treason and Plot.
New legislation against Popish recusants.
The new Oath of Obedience and Allegiance "on the true faith of a Christian" (3 Jac. I, c. 4).
1608. Calvin's case.
1609. Applicants for naturalization required to take the sacrament of the Lord's Supper (7 Jac. I, c. 2).
1612. Last execution for heresy in England.
1617. The last claim of villenage in an English court.
- 1618 (?). The Jews fly from England in consequence of the issue of a commission for the execution of the laws against Jesuits, &c.
1625. Act for punishing divers abuses committed on the Lord's Day, commonly called Sunday (1 Car. I, c. 1).
1627. Act for the further reformation of sundry abuses committed on the Lord's Day, commonly called Sunday (3 Car. I, c. 2).
1630. Treaty with Spain, by virtue of which Spanish subjects were exempted from the laws against recusants.
- 1635 (?). Carvajal settles in England.
1640. Court of High Commission abolished (16 Car. I, c. 11).
1648. The Independents obtain control of Parliament.
1649. Petition of the Cartwrights of Amsterdam for the re-admission of the Jews.
Execution of Charles I.
1653. The Instrument of Government. The law against recusants relaxed, but not so far as to give immunity to persons not believing in Christianity.
1655. Menasseh Ben Israel arrives in England. The Whitehall Conference.
1656. War between England and Spain. Capture of Jamaica.
Case of Antonio Robles.
Commission to treat with the Jews of Amsterdam given by Charles II to General Middleton.
1657. Departure and death of Menasseh Ben Israel.
1658. Death of Oliver Cromwell.
1660. Declaration of Breda.
Restoration of Charles II.

Navigation Act (12 Car. II, c. 18) excludes from the colonial trade aliens unless naturalized or made denizens.

Petitions against the Jews referred to Parliament by the Privy Council.

1661. Corporation Act (13 Car. II, st. 2, c. 1).
And following years. A number of Jews granted letters of denization.
1662. Act of Uniformity (13 & 14 Car. II, c. 4).
Dec. 26. First Declaration of Indulgence.
1663. Public worship openly and regularly performed in the synagogue. Organization of the Jewish community.
1664. The Conventicle Act (16 Car. II, c. 4).
Threatened attack on the Jews by the Earl of Berkshire. Their petition to the king for protection favourably answered.
1665. The Five Mile Act (17 Car. II, c. 2).
1667. Robeley and Langston. Jewish witness allowed to be sworn on the Old Testament.
1670. Second Conventicle Act (22 Car. II, c. 1).
1672. Second Declaration of Indulgence.
James, Duke of York, openly embraces Catholicism.
1673. The Declaration of Indulgence cancelled.
The Test Act (25 Car. II, c. 2).
The principal Jews indicted for meeting together for the exercise of their religion.
Petition of Abraham Delivera and others. Order in Council to stay all proceedings against the Jews.
1674. Rebuilding of the synagogue. Lease for twenty-five years taken.
1677. Act for the better observation of the Lord's Day, commonly called Sunday (29 Car. II, c. 7).
The Writ de haeretico comburendo abolished (29 Car. II, c. 9).
1678. The Parliamentary Test Act (30 Car. II, st. 2).
1684. A Jew's right to maintain an action recognized by the Court of King's Bench (Lilly's *Practical Register*, vol. I, p. 4).
1685. Death of Charles II, and accession of James II.
Forty-eight Jews charged with recusancy.
Petition of Joseph Henriques and others to the king. Formal Order in Council to stay these proceedings. "His Majesty's intention being that they" (the Jews) "should not be troubled on this account, but quietly enjoy the free exercise of their religion, whilst they behave themselves dutifully and obediently to his government."

1687. Declaration of Indulgence.
1688. The Revolution. Deposition of James II.
1689. New and simplified oaths of supremacy and allegiance.
The dispensing power of the Crown, saving previous charters and grants abolished.
The Toleration Act (1 Will. & Mary, c. 18), the benefit of which was restricted to Protestant Trinitarians [extended to Unitarians in 1813, Roman Catholics in 1832, and Jews in 1846].
Proposal to impose special taxation on the Jews. Their petition to Parliament not received. The projected tax withdrawn.
1694. Jewish marriages expressly included in the provisions for the tax upon marriages (6 & 7 Will. & Mary, c. 6).
1698. The Act against blasphemy and profaneness (9 Will. III, c. 35).
1701. The Act of Settlement (12 & 13 Will. III, c. 2).
Death of James II. His son's title to the English throne recognized by Louis XIV.
The oath of abjuration invented (13 & 14 Will. III, c. 6).
1702. Act to oblige Jews to maintain and provide for their Protestant children (1 Anne, c. 24).
1707. Voters at Parliamentary elections may be required to take the oath of abjuration (6 Anne, c. 78).
1708. The Foreign Protestants' Naturalization Act (7 Anne, c. 5).
1714. The requirement of taking the oath of abjuration imposed in 1701 on all public officers, &c., continued. Members of Parliament not to vote or sit before taking the said oath (1 Geo. I, st. 2, c. 13).
1718. The Religious Worship Act (5 Geo. I, c. 4) forbids attendance with the insignia of office at any nonconformist place of worship.
1723. Jewish landowners required to take the oath of abjuration allowed to omit the words "on the true faith of a Christian" (10 Geo. I, c. 4).
1728. First (Annual) Indemnity Act (1 Geo. II, st. 2, c. 23).
1730. British Nationality Act (4 Geo. II, c. 21).
1732. Attempt to arouse popular animosity against the Jews by the blood accusation frustrated (*Rex v. Osborne*).
1739. The custom of requiring the oath administered prior to receiving the citizenship of London to be taken on the New Testament held to be good (*Rex v. Bosworth*).

1740. The Plantation Act (13 Geo. II, c. 7) enables Jews to be naturalized in the colonies without taking the sacrament or pronouncing the final words of the oath of abjuration.
1743. Held in *Da Costa v. De Paz* that a legacy for instructing Jews in their religion could not be so applied.
1744. Held in *Omychund v. Barker* that all persons who believe in a Supreme Being are competent witnesses, and should be allowed to take the oath in the form binding upon them according to the tenets of their religion.
1753. Jewish marriages exempted from the provisions of Lord Hardwicke's Marriage Act (26 Geo. II, c. 33).
The Jews Naturalization Act (26 Geo. II, c. 26) passed. Consequent agitation against the Jews.
1754. The Jews Naturalization Act repealed (27 Geo. II, c. 1).
1765. Death of the Old Pretender. The form of the oath of abjuration finally settled (6 Geo. III, c. 53).
1770. First Jews admitted as solicitors; being permitted to omit the final words of the oath of abjuration.
1772. British Nationality Act (13 Geo. III, c. 21).
1781. The Sunday Observance Act (21 Geo. III, c. 49). Places of amusement (admission to which is by payment) open on a Sunday to be deemed disorderly houses.
1784. The Alien duties abolished by Pitt (24 Geo. III, sess. 2, c. 16).
1791. Roman Catholic Relief Act (31 Geo. III, c. 32).
1793. Lord Grenville's Aliens Act (33 Geo. IV, c. 4) temporary but periodically renewed till 1826.
1794. Act for the better observance of the Lord's Day by persons exercising the trade of bakers (34 Geo. III, c. 61). Provisions of this Act with some modifications embodied in the Bread Acts (3 Geo. IV, c. 6, s. 16; and 6 and 7 Will. IV, c. 37, s. 14).
1811. Held in *Lindo v. Unsworth* that a Jew is excused from giving notice of dishonour of a bill of exchange on the Day of Atonement.
1812. Charities "for the benefit of any persons of the Jewish nation" exempted from the provisions of the Act for registering and securing charitable donations (52 Geo. III, c. 102, s. 11).
The Places of Religious Worship Act (52 Geo. III, c. 155) repeals the Five Mile Act and the Conventicle Act, &c.
1813. Unitarians admitted to the benefit of the Toleration Act (53 Geo. III, c. 160).

1823. Jewish marriages exempted from the provisions of the Marriage Act (4 Geo. IV, c. 76).
1825. The necessity of taking the sacrament as a preliminary to naturalization abolished (6 Geo. IV, c. 67).
 Repeal of the Navigation Act (6 Geo. IV, c. 105).
1826. The temporary Aliens' Acts discontinued, and the system of registration of aliens substituted (7 Geo. IV, c. 54).
1828. Declaration "on the true faith of a Christian" substituted for the sacramental tests imposed by the Corporation and Test Acts (9 Geo. IV, c. 17).
1829. Roman Catholic Relief Act (10 Geo. IV, c. 7).
1830. Mr. Robert Grant's Bill for repealing the civil disabilities of the Jews refused a second reading by the House of Commons.
 Jews admitted to the freedom of the City of London, and allowed to take the oath on the Old Testament.
1832. The Roman Catholic Charities Act (2 & 3 Will. IV, c. 118).
1833. Mr. Francis Goldsmid called to the Bar.
 The Jewish Civil Disabilities Bill passed by the House of Commons, but refused a second reading by the House of Lords.
1834. The Jewish Civil Disabilities Bill again passed by the House of Commons, but refused a second reading by the House of Lords.
1835. Mr. Salomons elected Sheriff of London. The Sheriffs' Declaration Act (5 & 6 Will. IV, c. 28).
 Mr. Salomons elected Alderman and unsuccessfully attempts to be admitted.
1836. The Registration of Aliens Act (6 & 7 Will. IV, c. 11).
 The Jewish Civil Disabilities Bill passed the House of Commons a third time but sent to the Lords too late to receive a second reading.
 The Marriage Act (6 & 7 Will. IV, c. 85) and the Registration Act (*ibid.* c. 86) recognize the validity of Jewish marriages, make special provision as to their registration and give statutory recognition to the London Committee of Deputies of British Jews.
1837. Quakers, Moravians, and Separatists Relief Acts (1 & 2 Vict., c. 5 and c. 15).
 Mr. Grote's motion to extend the relief to Jews rejected by the House of Commons.
1838. The Oaths Act (1 & 2 Vict., c. 105).
1841. Mr. Divett's bill for the admission of Jews to Corporate Offices, known as the Jews' Declaration Bill, passes the House of

Commons and receives a second reading in the House of Lords but is refused a third reading.

1844. The system of naturalization by certificate from a Secretary of State introduced by Mr. Hutt's Naturalization Act (7 & 8 Vict., c. 66).

Repeal of the laws against recusants and other penal enactments so far as they affected Roman Catholics.

1845. Act for the relief of persons of the Jewish religion elected to municipal offices (8 & 9 Vict., c. 52).

1846. The Religious Disabilities Act (9 & 10 Vict., c. 59) repeals the laws against recusants and other penal statutes and extends the benefit of the Toleration Act to the Jewish religion (see also 18 & 19 Vict., c. 86, s. 2).

1847. Baron Lionel de Rothschild elected Member of Parliament for the City of London.

1848. Lord John Russell's Jewish Disabilities Bill passes the Commons but is refused a second reading by the Lords.

1849. Lord John Russell's Parliamentary Oaths Bill (altering the oath in favour of Jews) passed by the Commons but rejected by the Lords.

Baron de Rothschild obtains the Chiltern Hundreds and is re-elected.

1850. Baron de Rothschild unsuccessfully attempts to take his seat in Parliament.

1851. Lord John Russell's Oath of Abjuration (Jew) Bill passed by the Commons but rejected by the Lords.

Mr. David Salomons, having been elected member for Greenwich takes his seat in the House and is forcibly removed.

1852. The case of *Miller v. Salomons*.

1853. Lord John Russell's Jewish Disabilities Bill passes the Commons but is rejected by the Lords.

1854. Lord John Russell's Parliamentary Oaths Bill, creating a new oath which Jews could take, refused a second reading in the House of Commons.

Oxford University Reform Act (17 & 18 Vict., c. 81).

1855. Places of Religious Worship Registration Act (18 & 19 Vict., c. 81) makes provision for the registration of Jewish synagogues.

Act for securing the Liberty of Religious Worship (18 & 19 Vict., c. 86).

1856. The Marriage Act (19 & 20 Vict., c. 119) makes special provisions as to Jewish marriages and gives statutory recognition to the West London Synagogue of British Jews.
Cambridge University Reform Act (19 & 20 Vict., c. 88).
Mr. Milner Gibson's Oath of Abjuration Abolition Bill passed by the Commons but rejected by the Lords.
1857. Lord Palmerston's Oaths Bill having passed the Commons by a large majority is rejected by the Lords.
Lord John Russell's Oaths Validity Amendment Bill introduced in the House of Commons but abandoned before the second reading stage.
Baron de Rothschild resigns and is re-elected.
1858. Lord John Russell's Bill "to substitute an oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the relief of Her Majesty's subjects professing the Jewish religion" passes the Commons and receives a second reading in the Lords, but in committee the clause enabling Jews to omit the words "on the true faith of a Christian" is struck out. The Commons appoint a Committee to confer with the Lords. Baron de Rothschild is appointed a member of and serves on the Committee. Lord Lucan's suggestion for compromise accepted.
The Oaths Act (21 & 22 Vict., c. 48), and the Jewish Relief Act (21 & 22 Vict., c. 49), the result of the compromise.
Baron de Rothschild sworn as member of the House of Commons.
1860. Endowed Schools Act (23 & 24 Vict., c. 11).
The Act (23 & 24 Vict., c. 63), enables the House of Commons to make a Standing Order for the swearing in of Jewish members.
1866. Parliamentary Oaths Act (29 & 30 Vict., c. 19) introduces a new oath to be taken by Members of Parliament not containing the words "on the true faith of a Christian," thus enabling Jews to be sworn in as members of the House of Lords.
Qualification for Offices Abolition Act (29 & 30 Vict., c. 22) renders it unnecessary to make and subscribe the Declaration imposed by 9 Geo. IV, c. 17, in lieu of the sacramental test.
1867. Office and Oath Act (30 & 31 Vict., c. 75) (1) throws open the office of Lord Chancellor of Ireland to all subjects. (2) Enables persons holding office to attend any place of worship with the insignia of their office. (3) Substitutes the form of oath

created by the Parliamentary Oaths Act of 1866 for that required to be taken by office holders and others.

The last of the Annual Indemnity Acts (30 & 31 Vict., c. 88).

1868. Promissory Oaths Act (31 & 32 Vict., c. 72) introduces new and simpler forms of (1) the oath of allegiance ; (2) the official oath ; (3) the judicial oath.

The Public Schools Act (31 & 32 Vict., c. 118).

1869. The Endowed Schools Act (32 & 33 Vict., c. 56).

1870. The Naturalization Act (33 & 34 Vict., c. 14).

Elementary Education Act (33 & 34 Vict., c. 75).

1871. The Workshop Regulation Act Amendment Act (34 & 35 Vict., c. 19) permits Sunday labour in the case of young persons and women professing the Jewish religion.

The Universities Tests Act (34 & 35 Vict., c. 26).

The Promissory Oaths Act (34 & 35 Vict., c. 48) repeals obsolete Acts relative to promissory oaths, and removes the disability of Jews to hold certain high offices imposed by the Jewish Relief Act of 1858.

The Sunday Observation Prosecution Act (34 & 35 Vict., c. 87) forbids prosecutions for Sunday labour under the Lord's Day Act of 1677 except with the consent of the chief officer of the police district or two magistrates, &c.

1872. The Ballot Act (35 & 36 Vict., c. 33) contains provisions enabling Jews to vote on their Sabbath.

1878. The Factory and Workshop Act (41 Vict., c. 16) continues the permission of Sunday labour by Jews.

1885. Sir Nathaniel de Rothschild created a peer.

1888. The Oaths Act (51 & 52 Vict., c. 46).

1898. Jewish marriages excluded from the provisions of the Marriage Act, 1898 (61 and 62 Vict., c. 58).

1901. The Factory and Workshop Act (1 Edw. VII, c. 22) continues the recognition of the right of Jews to work on Sundays.

1902. The Education Act (2 Edw. VII, c. 42).

1905. The Aliens Act (5 Edw. VII, c. 13).

1906. Jews marrying foreigners in the United Kingdom exempted from the necessity of obtaining a certificate under the Marriage with Foreigners Act (6 Edw. VII, c. 40).